

House File 622

H-1087

1 Amend House File 622 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <Section 1. NEW SECTION. 216.9A Single and multiple  
5 occupancy restrooms or changing areas in schools — use by  
6 persons of same biological sex.

7 It shall not be an unfair or discriminatory practice for a  
8 school to require a single or multiple occupancy restroom or  
9 changing area to be designated only for and used by persons  
10 of the same biological sex as provided in section 280.33. It  
11 shall not be an unfair or discriminatory practice to prohibit  
12 a person from using a single or multiple occupancy restroom  
13 or changing area that does not correspond with the person's  
14 biological sex as provided in section 280.33.

15 Sec. 2. NEW SECTION. 280.33 Single and multiple occupancy  
16 restrooms or changing areas — use by persons of same biological  
17 sex.

18 1. As used in this section:

19 a. *"Multiple occupancy restroom or changing area"* means an  
20 area in a school building designed or designated to be used by  
21 more than one person at a time, in which students may be in  
22 various stages of undress in the presence of other students or  
23 persons. *"Multiple occupancy restroom or changing area"* includes  
24 but is not limited to a restroom, locker room, changing room,  
25 or shower room.

26 b. *"School"* means a public school or nonpublic school.

27 c. *"Sex"* means a person's biological sex as female or male,  
28 as listed on a person's official birth certificate issued at or  
29 near the time of the person's birth.

30 d. *"Single occupancy restroom or changing area"* means an  
31 area in a school building designed or designated to be used by  
32 one person at a time, in which the person may be in various  
33 stages of undress. *"Single occupancy restroom or changing area"*  
34 includes a restroom, locker room, changing room, or shower  
35 room.

1     2. A school shall require a multiple occupancy restroom or  
2 changing area to be designated only for and used by persons of  
3 the same sex. A person shall not enter a multiple occupancy  
4 restroom or changing area, or a single occupancy restroom or  
5 changing area designated only for persons of the same sex, that  
6 does not correspond with the person's sex.

7     3. In any other school facility, a facility used for  
8 extracurricular activity, overnight accommodations, or any  
9 other setting where a student may be in various stages of  
10 undress in the presence of other students or persons, school  
11 personnel shall provide separate, private areas designated for  
12 use by students based on the students' sex.

13     4. A student who, for any reason, desires greater privacy  
14 when using a single or multiple occupancy restroom or changing  
15 area, or other facility described in subsection 3, and whose  
16 parent or legal guardian provides written consent to school  
17 officials, may submit a request to such officials for access to  
18 alternative facilities. The school official to whom a request  
19 is submitted shall evaluate such request and shall, to the  
20 extent reasonable, offer options for alternative facilities.  
21 In no event shall any accommodation be made that includes  
22 access to a student multiple occupancy restroom or changing  
23 area or a single occupancy restroom or changing area designated  
24 for use by students of the opposite sex while students of the  
25 opposite sex are present or could be present. Reasonable  
26 accommodations may include any of the following:

27     a. Access to a single occupancy restroom or changing area.

28     b. Access to a unisex single occupancy restroom or changing  
29 area by only one student at a time.

30     c. Controlled use of faculty multiple occupancy restroom or  
31 changing area or a single occupancy restroom or changing area.

32     5. This section shall not be construed to prohibit a school  
33 from doing any of the following:

34     a. Adopting policies necessary to accommodate disabled  
35 persons or young children in need of physical assistance when

1 using a multiple occupancy restroom or changing area, a single  
2 occupancy restroom or changing area, or other facility or  
3 setting described in subsection 3.

4     *b.* Permitting access to a multiple occupancy restroom or  
5 changing area, a single occupancy restroom or changing area,  
6 or other facility described in subsection 3 for custodial or  
7 maintenance purposes when such facility is not occupied by a  
8 member of the opposite sex.

9     *c.* Rendering medical assistance.

10     *d.* Permitting access to a multiple occupancy restroom or  
11 changing area, a single occupancy restroom or changing area,  
12 or other facility or setting described in subsection 3 during  
13 a natural disaster, emergency, or when necessary to prevent a  
14 serious threat to student safety.

15     6. *a.* A citizen of this state may file a complaint with the  
16 office of the attorney general that a school is in violation  
17 of the provisions of this section if all of the following are  
18 true:

19         (1) The citizen provides written notice to the school  
20 describing the violation.

21         (2) The school does not cure the violation within three  
22 business days after receiving written notice of the violation.

23     *b.* A complaint filed pursuant to this section shall include  
24 all of the following:

25         (1) A copy of the written notice delivered to the school.

26         (2) A signed statement by the citizen describing the  
27 violation and stating that notice was provided.

28     *c.* Upon receipt of a complaint, the attorney general shall  
29 investigate the violation described in the complaint. If the  
30 attorney general determines that no violation occurred or that  
31 no further legal action is warranted, then the attorney general  
32 shall send written notice of such determination to the citizen  
33 who filed the complaint and to the school. If the attorney  
34 general determines that legal action is warranted to cure the  
35 violation, then the attorney general may file an action in a

1 court of competent jurisdiction seeking such equitable relief  
2 as the attorney general deems appropriate.

3 *d.* This subsection shall not limit other remedies at law or  
4 equity available to the aggrieved person against the school.

5 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
6 importance, takes effect upon enactment.>

7 2. Title page, by striking lines 1 through 4 and inserting  
8 <An Act prohibiting persons from entering single and multiple  
9 occupancy restrooms or changing areas and other facilities  
10 in elementary and secondary schools that do not correspond  
11 with the person's biological sex and including effective date  
12 provisions.>

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HOLT of Crawford